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Conversation: 2nd draft ISWGP
Subject: 2nd draft ISWGP

I have several concerns regarding the draft ISWGP.

First, are the benchmark levels. According to table 19, over half the respondents exceeded the turbidity and zinc levels, and 30% exceeded BOD levels. Is it possible that certain industries are going to have extreme difficulty in hitting the benchmark levels? How did these benchmark levels get established, and why can't some consideration be given to making industry specific levels that are attainable? Are these benchmark levels based on sound science, or arbitrary levels?

Secondly, the new permit revises the corrective actions to an onerous level. If a Step B is triggered, the new permit requires an engineering report be completed, submitted for approval and then implemented. This could cause serious economic harm to businesses, especially small and medium sized businesses that do not have the working capital to put in large, expensive solutions. The engineering firms in an attempt to cover their liabilities, will engineer without concern of cost, but rather what it takes to get approved and not reflect negatively on the engineering firm. Engineering firms are notorious for "over-engineering". The Department of Ecology will be approving these plans with little regard to the economic costs to the business. In the end, the business will be saddled with expensive remedies that many can ill afford. It appears as though this is a deviation away from an adaptive management approach that affords businesses flexibility in how they implement BMP's to a very heavy handed approach that hits us with a hammer over the head. The way in which the permit is worded could cause serious economic harm to small and medium sized businesses. I strongly encourage the department to continue to allow flexibility and time for businesses to implement strategies one at time in an effort to get to the desired results. Forcing businesses to implement the engineers' plan all at once could be devastating.

Finally, the economic analysis of the cost to large business versus small business and the conclusion on disproportionate costs is flawed. According to the report "it is hard to avoid disproportionate costs for smaller businesses and still assure compliance with benchmarks which monitoring provides". This analysis looked only at the costs of compliance, but not at the cost of the permit itself. The way the fee structure is currently, the fees are based on annual sales and capped at \$10 million in annual sales. This means our business with approximately \$16 million in sales will pay the exact same fee as a business with over \$100 million in sales. This is grossly unfair to medium sized businesses. \$10 million is a sales level that would be reached by many medium-sized businesses, but is by no means the annual sales figure of what is typically considered a large business. Why is the permit fee capped at this arbitrary level? Why is it capped at all? Small and medium businesses are paying a higher percentage of sales than large

businesses. Why did the department do an economic analysis expressing compliance costs as a percentage of sales, but ignored analyzing the permit costs as a percentage of sales? One way to avoid disproportionate costs would be to remove the cap on the permit fee and replace with a percentage of sales, similar to the Business and Occupation taxes, effectively lowering the fee for the smaller businesses, while assuring everyone is paying an equal percentage of sales, and relieving some of the burden on the smaller businesses. One of the DOE staff members informed me it would be too burdensome for companies to calculate their fee as a percentage of sales, so a flat fee was better. In fact, it would be less burdensome than it is to calculate our Business and Occupation taxes we file monthly, and certainly far less burdensome than all the other rules the DOE is promulgating. This cap certainly sounds like a large company lobbyist was able to write the rule. I ask the department to review its fee structure, and make it fair to everyone.

Sincerely,

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